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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,474	01/09/2004	Vincent Muniere	Q79100	6433
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SUGHRUE MION, PLLC				
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EXAMINER				
DOAN, PHUOC HUU				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/753,474

**Applicant(s)**

MUNIERE, VINCENT

**Examiner**

PHUOC H. DOAN

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 16-32 and 34, 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 16-32, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/15/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 01/15/08 have been fully considered but they are not persuasive.

Applicant argues, that the prior art does not disclose or suggest adding second information known at this level of the core entity where this added information is used with the first information to perform a call admission control at the radio level.

In response, Uusikartano clearly discloses of quality of service information received by the core network entity and the added second information known at the core network entity level based on the feature of the radio access bearer service to set up based on the request message/response message and corresponding by GGSN where the message/signal connection

from the mobile device and the GGSN, and UTRAN. There are a relation by network communication between mobile device, and UTRAN "Base station system", SGSN "core network entity. Of course, the quality of service information received by the core network entity and added, modified, or revised based on the request a radio access network entity system (Figs 2, 3 with description, pages 2-3, par. [0020-0030]), and in combine to support

where this added information is used with the first information to perform a call admission control at the radio level, Livet discloses to added information is used with the number of information to perform a call admission control at the radio level in setup, reconfiguration or addition request control by call admission control (CAC) to add the number of information with Quality of Service QoS at the radio level (page 8, par. [0048-0049] and Table 2 in page 7.

In response to the remarks, pages 10-11, Uusikartano clearly discloses how the core network sets up RAB over UTRAN based on the service such as set up by the core network controls the set up, modification and assembly/disassembly of RAB over the URAN. The set up and modification of the RAB are function that the core network initiates and the UTRAN implements. It is mean that the functionality how the core network set up

RAB over URAN (page 2, par. [0020]), and in combine to support where this added information is used with the first information to perform a call admission control at the radio level, Livet discloses to added information is used with the number of information to perform a call admission control at the radio level in setup, reconfiguration or addition request control by call admission control (CAC) to add the number of information with Quality of Service QoS at the radio level (page 8, par. [0048-0049] and Table 2 in page 7).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-9, 11, 16-32, 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Uusikartano in view of **Livet (US Pub No: 2004/0132441)**. **As to claim 1, 9, 11**, Uusikartano discloses a method for optimizing quality of service in the packet-switched domain of a mobile communication system (See Abstract), the method comprising: sending by a core network entity (Fig. 1, SGSN;

GGSN) of said system sends to a radio access network entity (Fig. 1, UTRAN) of said system a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station “Fig. 1, MS” (page 2, par. [0020]), said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity (page 2, par. [0022] associated Fig. 2, 3 with description); and adding by said core network entity to said request second information that is known at a of said core network entity (Fig. 2, 3 with description, page 3, par. [0024-0026], [0030], [0036]).

However, Uusikartano does not disclose which is used together with said first information to perform a call admission control at the radio level.

In the same filed of invention, Livet discloses which is used together with said first information to perform a call admission control at the radio level (page 8, par. [0048-0049] and Table 2 in page 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the first information to perform a call admission control at the radio level as taught by Livet to the system of Uusikartano in order to promote Quality of Service.

**As to claim 2, 19,** Uusikartano further discloses a method according to claim 1,

wherein said second information comprises information representative of radio access capabilities of said mobile station (page 2, par. [0022]).

**As to claim 7, 24, 30**, Uusikartano further discloses a method according to claim 1, wherein said setting-up or reconfiguration of a radio bearer comprise the creation or modification of a Packet Flow Context (page 2, par. [0020], [0023]).

**As to claim 8, 25, 31, 35**, Uusikartano further discloses a method according to claim 7, wherein said request for the setting-up or the reconfiguration of a corresponding radio bearer is sent in a CREATE BSS PFC message (page 2, par. [0020], [0023]).

**As to claim 18**, Uusikartano further discloses wherein said second information comprises information representative of radio access capabilities of said mobile station (page 2, par. [0020], [0023]).

**As to claim 3, 20, 26**, Livet further discloses wherein said radio access capabilities comprise capabilities to support higher data rates (page 8, par. [0049]).

**As to claim 4, 21, 27**, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a multislot capability (page 2, par. [0017] “**a first time slot load, and a second time slot load**”).

**As to claim 5, 22, 28**, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a capability to support different data transfer modes (page 4, par. [0028-0029]).

**As to claim 6, 23, 29**, Livet further discloses a method according to claim 5, wherein said different data transfer modes comprise the GPRS (General Packet Radio Service) mode and the EGPRS (Enhanced General Packet Radio Service) mode (page 4, par. [0028-0029] “Livet disclose the using of the different data transfer modes can be used on the GPRS and EGPRS which inherently of network nodes”).

**As to claim 16, 17, 32**, Livet further discloses by performing a call admission control (CAC) (See TABLE 2 with description).



**As to claim 34**, Uusikartano discloses wherein the request is a request for setting-up the radio bearer for a new packet session for the mobile station (page 2, par. [0020]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VINCENT HARPER can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/PHUOC DOAN/  
03/26/08